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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,770	02/02/2004	Kelson Elam	50086.2001	5151
7590	10/10/2007		EXAMINER	
Navarro Law Office, P.C. P.O. Box 166851 Irving, TX 75016			NGUYEN, NAM V	
		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/771,770	ELAM ET AL.
	Examiner	Art Unit
	Nam V. Nguyen	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-8, 11-16 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-8, 11-16 and 21-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

This communication is in response to applicant's Amendment which is filed June 25, 2007.

An amendment to the claims 1-2, 5-6, 9-12, 16-21, 24-25 and 27-31 has been entered and made of record in the application of Elam et al. for a "RFID process control system for use in automation and inventory tracking applications" filed February 2, 2004.

Claims 2, 9-10, 17-20 and 27-31 are cancelled.

Claims 1, 3-8, 11-16 and 21-27 are now pending in the application.

*Response to Arguments*

Applicant's arguments with respect to Claims 1, 3-8, 11-16 and 21-27, filed June 25, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

On page 8, third paragraph, Applicant's arguments with respect to the invention in Nerlikar does not teach or suggest that an enclosure housing an interface, RFID controller, process control software and computer controlled switch is not persuasive.

As defined by amended claim 1, the enclosure of Nerlikar is enclosed the RFID reader module (508), the microprocessor of RFID reader 316; the microprocessor and logic of a RFID host peripheral (506) and the computer controlled switch (column 15 lines 42 to 50; see Figures

5A and 5B). The refurbish equipment (518) enclosed the reader module (522), program panel 520, interface (see Figure 5B). Clearly, Nerlikar teaches or suggests that an enclosure housing an interface, RFID controller, process control software and computer controlled switch.

Furthermore, as shown in Figure 1, the power supply the RFID reader module, the microprocessor in enclose as a module. This module communicates with a server, or a network controller (column 4 lines 15 to 31; see Figure 1). Clearly, Nerlikar teaches or suggests that an enclosure housing an interface, RFID controller, process control software and computer controlled switch and a power supply.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 12-16 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerlikar (US# 5,629,981) in view of Yeh (US# 5,347,164).

Referring to claims 1 and 16, Nerlikar discloses a RFID host peripheral (506) comprising: a communication interface (318) (i.e. RF module of a RFID reader) supporting communications with a plug-in mass memory card and EP intelligent cassette 510 (column 7 lines 34 to 47; column 15 lines 42 to 50; column 16 lines 23 to 40; see Figures 3, 5A and 5B);

an RFID controller (316) (i.e. a microprocessor of RFID reader) for communicating RFID data over the interface (318) (i.e. RF module), said RFID controller (316) (i.e. a microprocessor) including at least one RFID reader module (512) for reading said RFID data (i.e. identification data of transponder (512)) from an RFID tagged item (514) (column 15 lines 42 to 50; column 16 lines 5 to 26; see Figures 1 and 5A-5B);

process control software (i.e. a microprocessor and logic of a RFID host peripheral (506)) for detecting the occurrence of a specified event represented by the RFID data (column 16 lines 27 to 41; see Figure 1) and

at least one computer controlled switch (not shown) operably coupled to the RFID controller (i.e. a microprocessor) to connect to a centralized database 502 by a modem 504 (column 16 lines 41 to 49; see Figures 1 and 5A);

a power supply (i.e. a power management subsystem) (as shown see Figure 1) for providing power to the RFID controller, the computer controlled switch and the process control software;

An enclosure (as shown in Figures 5A and 5B) housing the RF module of a RFID reader (508), the microprocessor of RFID reader 316; the microprocessor and logic of a RFID host peripheral (506) and the computer controlled switch (column 15 lines 42 to 50; see Figures 5A and 5B);

wherein a specified RFID event can be determined from the RFID data received by the RFID controller (i.e. a microprocessor) via the communication interface as interpreted by the process control software and thereby cause the RFID controller to operate the computer controlled switch to transmit a transaction data to a centralized database 502 by a modem 504 for

authorization or allow operation of the RFID tagged item (514) (column 16 lines 24 to 61; column 17 lines 1 to 20; see Figures 1-5).

However, Nerlikar did not explicitly disclose a power management subsystem capable of providing both DC and AC power.

In an analogous art, Yeh teaches an uninterruptible power supply (i.e. a power management subsystem) capable of providing both DC and AC power (column 2 lines 38 to 51; column 6 lines 25 to 33; see Figures 1-4 and 8) in order to provide uninterrupted DC output and selectable AC power depending on the value of utility-supplied AC voltage range.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using the uninterruptible power supply capable of providing both DC and AC power taught by Yeh in the power supply of the host peripheral module or in the refurbish equipment of Nerlikar because having a power supply provides both DC output power and AC output power would provide a reliable power supply outputs.

Referring to Claims 3-4 and 22-23, Nerlikar in view of Yeh disclose the method and the RFID process control system of claims 1 and 16, Nerlikar discloses wherein communications between the RFID tagged item (315) and the RFID controller (i.e. microprocessor) over the communication interface are bidirectional (column 6 lines 43 to 62; see Figures 1 and 5B).

Referring to Claims 5 and 24, Nerlikar in view of Yeh disclose the RFID process control system of claims 1 and 16, Nerlikar discloses wherein the communication interface is wired

interface providing a physical communication path between the RFID reader (315) and the RFID tagged item (302) (column 7 lines 6 to 27; see Figure 1 and 3A).

Referring to Claims 6 and 25, Nerlikar in view of Yeh disclose the RFID process control system of claims 1 and 16, Nerlikar discloses wherein the communication interface (318) between the RFID reader (315) and the RFID tagged item (510) is wireless (i.e. by radio frequency) (column 6 lines 56 to 62; see Figure 1).

Referring to Claims 7 and 26, Nerlikar in view of Yeh disclose the method and the RFID process control system of claims 1 and 16, further comprising at least one peripheral (502) (i.e. a network server) coupled to said the communications module (504) (column 15 lines 42 to 50; see Figure 5A).

Referring to Claim 12, Nerlikar in view of Yeh disclose the RFID process control system of claim 9, Nerlikar discloses wherein the power management subsystem further comprises a battery charging circuit (column 18 lines 8 to 16; see Figure 6).

Referring to Claims 13-14, Nerlikar in view of Yeh disclose the RFID process control system of claim 1, Nerlikar discloses wherein the RFID controller further comprises any one of several industry standard RFID readers (315) within the enclosure (column 7 lines 33 to 47; see Figure 3C, 5A and 5B).

Referring to Claim 15, Nerlikar in view of Yeh disclose the RFID process control system of claim 1, Nerlikar discloses wherein said interface supports communications with a sensor device when the intelligent cassette is to the refurbish equipment 518 (column 15 lines 63 to column 16 line 4; see Figure 5B).

Referring to Claim 27, Nerlikar in view of Yeh disclose the RFID process control system of claim 16, Nerlikar discloses further comprising an RFID antenna (320) interspersed between the RFID tagged item (302) and the RFID controller (i.e. a microprocessor of RFID reader) for delivering the RFID data to the system (column 7 lines 35 to 47; see Figure 1, 3C and 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerlikar (US# 5,629,981) in view of Yeh (US# 5,347,164) as applied to claims 1 and 16 above, and in view of Yokoyama et al. (US# 6,563,087).

Referring to claims 11 and 21, Nerlikar discloses the RFID process control system of claims 1 and 16, however, Nerlikar did not explicitly disclose wherein the power management subsystem can provide variable levels of both DC and AC power.

In an analogous art of a power management control system, Yokoyama et al. teach that a power generator (36) can provide variable levels of output power (column 5 lines 3 to 12; see Figure 2) in order to operate at a properly power to achieve a desired operating output.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a power generator to provide variable levels of power depend on the output of a reader taught by Yokoyama et al. in the power supply of the information management system of Nerlikar in view of Yeh because having a plurality of power output levels would improve and reliable an operating system.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
September 30, 2007



Brian Zimmerman  
PRIMARY EXAMINER